

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT,

Plaintiff,

8:14-CV-243

vs.

RICHARD KYLER,

Defendant.

ORDER

This matter is before the Court on the plaintiff's notice of appeal (filing 90) and motion for leave to appeal in forma pauperis (filing 91). On November 25, 2015, the Court dismissed the plaintiff's claims and entered Judgment against him. Filings 88 and 89. The plaintiff filed a timely Notice of Appeal of the Court's judgment. Filing 90. The plaintiff is a non-prisoner and has previously been granted leave to proceed in forma pauperis in this matter. Filing 5.

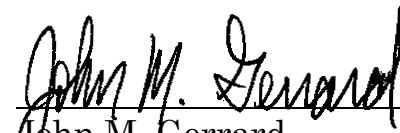
Pursuant to Fed. R. App. P. 24(a)(3), party who was permitted to proceed in forma pauperis may proceed on appeal in forma pauperis without further authorization, unless the Court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding; or a statute provides otherwise. The Court finds that because the plaintiff proceeded in forma pauperis here, he may now proceed on appeal in forma pauperis without further authorization. *See id.*

IT IS ORDERED:

1. The plaintiff's motion for leave to appeal in forma pauperis (filing 91) is granted.
2. The Clerk of the Court shall provide the U.S. Court of Appeals for the Eighth Circuit with a copy of this order.

Dated this 4th day of December, 2015.

BY THE COURT:



John M. Gerrard

United States District Judge